



STATE OF NEVADA EMPLOYEE MEDIATION POLICY

Mediation is an informal, confidential and voluntary process in which a neutral third party(s) assist disputing parties reach a resolution.

1. PURPOSE

The primary purpose of the Mediation Program is to provide a responsive, informal, confidential, effective means of resolving conflicts as an alternative to formal proceedings. The mediation process allows the parties to explore options and solutions to resolve issues at the lowest possible level. Mediation seeks to achieve a “Win-Win” resolution by empowering parties to formulate a mutually agreeable resolution while maintaining management and employee rights. The mediator and either party involved in the mediation may end the mediation session at any time if it is felt that a positive effort is not being made to resolve this issue. In addition the mediator may bring the mediation to a close if there is a threat of harm, abuse of the process or violence.

This program will allow employees the opportunity to discuss the issues raised and clear up misunderstandings, determine the underlying interest or concerns, find areas of agreement and ultimately, place a resolution to those issues into a written agreement.

2. COVERAGE

The Mediation Program is available to all State employees and supervisors, and they are encouraged to utilize this process under appropriate circumstances.

3. STATE EMPLOYEES RIGHTS & RESPONSIBILITIES

The following are the guidelines of the State of Nevada’s Mediation Program

- The use of mediation is strictly voluntary.
- Mediation does not alter the authority of managers and supervisors or an agencies open door policy to receive complaints.
- Mediation is designed to supplement, not limit or replace established grievance or complaint procedures.
- Mediation is available to all State of Nevada employees (i.e., permanent, probationary, temporary).
- Employees are free to choose the mediation process or decline without any form of retaliation from management or staff.
- Employees are responsible for ensuring that they do not harass or discriminate against other employee(s) due to a request to mediate a perceived conflict between parties.
- Employees are entitled to end the mediation session at anytime by giving notice to the mediator, free from any form of retaliation or unlawful conduct.

4. PROCEDURE

A. Employee or requesting party shall make a request to Management, the Agency Coordinator; and or the Mediation Program Administrator of their needs or intent to enter into the process, but with the understanding that all involved parties must voluntarily agree to mediate.

B. The Mediation Program Administrator will make contact with party(s) to be involved with the mediation to seek their approval to participate in the mediation process.

C. The Mediation Program Administrator will assign a mediator(s) from the roster. The mediator will then inform the parties of the scheduled time, date and location of the mediation session.

D. The Mediator will inform the Program Administrator when all parties have agreed to participate.

E. All parties shall meet on the scheduled date.

F. The Mediator will review the mediation guidelines with the parties and ensure the Consent to Mediate form is signed and dated before the commencement of the process.

NOTE The order of the process may be modified at anytime by agreement of the parties or as determined by the Mediator.

G. If an agreement is reached, the parties will create a written agreement, with the assistance of the mediator. Each party will sign and date the agreement and be given a copy with the understanding that this is not a legal document but a statement of mutual obligations. This agreement should not be contrary to laws, rules, regulations, and policies of the State of Nevada and may not exceed the individual's authority that is present at the mediation session.

5. MEDIATOR AND ADMINISTRATIVE GUIDELINES

A. Mediators must complete training and be approved by the Mediation Program Administrator and the Director of Personnel prior to participating in the mediation program.

B. A roster of mediators will be maintained by the EEO Director who serves as the Mediation Program Administrator.

C. The Mediation Program Administrator shall determine the appropriateness of mediation and the mediator(s) to be utilized. When appropriate, the Mediation Program Administrator may request mediators from external sources.

D. The Department director shall disseminate to each employee a copy of the mediation program that is available to them, with the complete understanding that mediation is not required but offered as an alternative resolution to formal proceedings.

E. Each Department Director shall be provided a current list of mediators within their agency.

F. The Mediation Program Administrator, selects the mediators, coordinates sessions, and maintains copies of all mediation related documents and records and evaluates the effectiveness of the program.

G. The mediator shall be responsible for the mediation process by conducting the session in an orderly and professional manner designed to resolve conflict.

6. TRAINING AND EVALUATION PROCEDURES

A. Mediators shall complete an approved training program as designated by the Personnel Director and the Mediation Program Administrator and placed on a list of qualified and available mediators.

B. Mediators will be required to complete eight (8) hours of continuing education credits annually.

C. The Mediation Program Administrator will ensure that evaluation forms are complete and submitted by mediators and participating parties.

D. The Mediation Program Administrator will review mediation cases for general discussion at the quarterly mediation team meetings with confidentiality at the forefront.

E. The mediation team may make recommendations to the Department Directors as deemed appropriate with the approval of the Mediation Program Administrator and Personnel Director.

7. FORMS

A. All forms are available on the State of Nevada, Department of Personnel website at dop.nv.gov.